

**Report for:** Cabinet Member for Community Safety and Cohesion

**Title:** Finsbury Park South Entrance Public Space Protection Order  
**Report authorised by:** Barry Francis, Director of Environment and Residents Experience

**Lead Officer:** Eubert Malcolm, Assistant Director for Stronger & Safer Communities

**Ward(s) affected:** Haringay Ward

**Report for Key/**

**Non-Key Decision:** Non-Key Decision

**1. Describe the issue under consideration.**

- 1.1 The south entrance of Finsbury Park which is situated on Seven Sisters Road, N4 across from Finsbury Post Office and adjacent to Lidl supermarket, has been identified as a hotspot for Crime and ASB (anti-social behaviour) issues. Finsbury Park is bounded by three boroughs Haringey, Islington, and Hackney but the park itself sits inside the ward of Haringay. The specified area is a concern due to its impact on public safety and well-being, particularly with a focus on addressing violence against women and girls (VAWG).
- 1.2 An Environmental Visual Audit was conducted by the MPS under Op Taipan on 07/03/23. (Appendix 2 MPS Crime Prevention Environmental Visual Audit). The audit recommendation highlighted that an effective long-term measure to reduce ASB particularly drug related activity and enhance safety, would be the use of a gating order under a (Public Space Protection Order) PSPO. The PSPO would permit the installation of fencing around the area with the provision of controlled gates to enable the area to be used legitimately and effectively, in particular for deliveries, events and crowd control.
- 1.3 The Cabinet Member for Community Safety and Cohesion is asked to approve consultation for this proposed PSPO to tackle anti-social behaviour.

**2. Cabinet Member Introduction**

N/A

**3. Recommendations**

- 3.1 That the Cabinet Member for Economic Development, Jobs, and Community Cohesion,
  - (i) Approves for consultation the draft Public Space Protection Order (PSPO) as contained in Appendix 1.

(ii) Notes that a further report will be required following the consultation.

#### **4. Reasons for decision**

4.1 The Council's commitment to creating a safer environment for all residents and visitors is clear in its vision for the borough. To achieve this vision, the Council is proposing the introduction of a Public Space Protection Order (PSPO) to address the ongoing issues of anti-social behaviour (ASB) and criminal activity that are negatively affecting the park's atmosphere and the safety of those who use it.

4.2 The specific area in question is the south entrance of the park on Seven Sisters Road which poses certain challenges due to its design and layout. The main issues which have influenced the decision for the gating PSPO are as follows:

- Layout of the area. The narrow line of sight and the transition from nearby amenities like Lidl into an open space have created an environment where unlawful activities can occur without being easily detected.
- There is a lack of clear ownership or defined rules in the space which contributes to issues, as there are no clear indications of proper usage, including, poor pavement markings, the absence of signage and no clear parking restrictions.
- The environment also allows individuals to conceal themselves around various corners, leading to decreased feelings of safety in the area. This contributes to the misuse of the space for criminal activities and anti-social behaviour.
- The issue is not limited to pedestrian traffic; mopeds parking on the pavement further compounds the problem. While some moped riders might have legitimate reasons for being there, the presence of both legal and illegal users creates an assumption that this practice is acceptable, essentially establishing a "desire line" for mopeds in the area. This becomes a challenge to rectify, even if it negatively impacts the general public. It's also noted that the majority of moped users are pretending to be delivery drivers but are, in fact, involved in facilitating the supply of drugs.

4.3 Closing off the area by erecting gates and implementing the PSPO will bring an end to or restrict the behaviours above and subsequently, bring about improvements to the area such as, an increase in feelings of safety for users of the park in particular women and in addition the area will be put to better, legitimate use.

#### **5. Alternative options considered**

5.1 Not to pursue a gating order under a PSPO. Given the length of time that the behaviour has been ongoing and the detrimental effect the behaviour is having on our communities and businesses, this is not an option.

#### **6. Background Information**

- 6.1 Operation (OP) Taipan is a Police team that began in 2020 that focuses on tackling drug supply, ASB and gang activity. The Police team is made up of one Sergeant and nine constables that work both in plain clothes and full uniform. The Op Taipan team work closely with various departments within the Local Authority and external agencies on both short- and long-term measures to tackle crime and ASB. The team has been operating within and around Finsbury Park since July 2022 and in that time, it has built up a significant amount of local intelligence. Please refer to Appendix 2 for further details. It's clear that the collaborative efforts between council officers, policing partners, and other stakeholders have been effective in reducing crime in within and around Finsbury Park. By focusing on problem-solving and increasing patrols and enforcement measures, there has been a positive impact on the overall safety and security of the park area. However, it's also important to acknowledge that concentrating activities within the park may have led to a displacement of criminal and antisocial behaviours to the park entrances.
- 6.2 The issues described at the park entrances, such as illegitimate vehicle use, loitering, drug-related activities, and other forms of ASB, are indeed concerning. These problems not only affect the physical appearance of the area but also have negative implications for the well-being and quality of life of residents, businesses and visitors to the area. The location of the entrance by a busy junction and as part of a pedestrian thoroughfare makes it a crucial focal point for addressing these issues. The fact that the park entrance is part of a route used by pedestrians suggests that it holds potential for benefiting the mental and physical health of individuals who incorporate the park into their daily journeys. Open green spaces have been shown to have positive effects on well-being and can serve as places of relaxation and recreation. While overall crime types have shown a decrease from July 21 – June 23 with total crime decreasing from 876 incidents to 868 incidents, the volume of incidents remain high, with a number of increases in crime types within the Lower Super Output Area in Haringey surrounding Finsbury Park entrance. Notable increases in incidents include, drug offences, miscellaneous crimes against society, possession of weapons, robbery, and theft.
- 6.3 OP Taipan has utilised operational policing techniques above and beyond day-to-day policing to break the current paradigm of crime and ASB within the park itself. These include, engaging with local residents and shop owners who frequent the park on their way to work or during their break time and after work if they live locally. Engaging with residents and shop owners for their journey to work or as part of a recreation and wellbeing. Targeted patrols with subsequent stops and multiple arrests of perpetrators and utilising CCTV to identify crime and ASB within the park and outside the gate. In addition to the above, recent successes of Op Taipan include:

- Knife arches and dog operations to take knives off the street and disrupt drugs supply in the area, including at Finsbury Park station.
- Several significant arrests of individuals who were using the park to deal in drugs. Individuals have been charged and issued with community protection notices to remove them from the park as a long-term solution.
- Working with council officers to design out crime in hotspot locations in the park through the introduction of fencing and temporary hoardings.
- Together we have achieved a 3% reduction in overall crime in the area in June and an 18% reduction in July 2022 compared to the same months in 2021.

6.4 As part of the Love Finsbury Park initiative and in response to resident and local stakeholder feedback, Haringey Council trialled a series of additional community safety measures in summer 2022. This included the introduction of temporary overhead lighting between the Finsbury Gate and Endymion Road Gate, including the spurs that lead to Oxford Road and Stroud Green Road. This came ahead of permanent lighting, which is set to be installed along this route by autumn 2023.

6.5 In addition to physical changes, Haringey Council's ASB Enforcement Team have been carrying out regular patrols and engagement activities in the park in partnership with the police and outreach service BUBIC to identify hotspots for issues such as drug use and drug dealing, address reports and provide reassurance to residents. The team has installed signage in hotspot locations in and around the park to remind park users of the law and draw attention to crime-stopping features like CCTV cameras.

6.6 Whilst the work conducted by OP Taipan and the council has made a considerable difference within the park itself, it has highlighted that the problem location (the location that the PSPO will cordon off) is a crime generator. This leads to open drug dealing, violence and ASB, mainly committed by young males 16 years and upwards that work in large groups. The open space allows for large groups to congregate and feel safe in numbers whilst they conduct their drugs supply. The large groups generate a fear of crime amongst lone females or vulnerable individuals who wish to use the park, especially at night as they feel that is not safe to approach the park entrance, let alone enter the park.

6.7 The Council and the Police will continue to monitor the area and act upon any breaches of the PSPO. The Anti-Social Behaviour, Crime and Policing legislation allows for the use of penalties such as fixed penalty notices and prosecution for breaches of the PSPO. To support the legislation targeted and sustained enforcement will be used by partners including the Metropolitan Police, Haringay Policing Team, ASB Enforcement Team officers and other Council Officers. Assistance regarding evidence gathering can also be sought through CCTV. There will continue to be a cost to the Council if enforcement action is taken but no cost where the decision to prosecute is undertaken by the Police. This comprehensive

and coordinated approach involving various partners demonstrates a commitment to making the park and its surroundings safer and more enjoyable for everyone. The Police Superintendent and local Safer Neighbourhood Police have been consulted and support the proposal to introduce the gating PSPO.

## **7 Public Spaces Protection Orders (PSPOs)**

- 7.1 The aim of a PSPO is to stop individuals or groups committing anti-social behaviour in public spaces. Restrictions and requirements can be placed on an area where activities have or are likely to have a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable. These can be blanket restrictions or requirements or can be targeted against named behaviours by certain groups at particular times. The guidance is not specific about what can be included in a PSPO.
- 7.2 The potential use of a PSPO is very broad and flexible to allow a Council to cover individual circumstances in its area. A PSPO can cover multiple restrictions so one order could prohibit such activities as the drinking of alcohol and the control of dogs by requiring they are placed on a lead. The PSPO can cover any publicly accessible space with the Council's area, including an area in private ownership to which the public have access.
- 7.3 Enforcement will be shared between the Council and the Police. Breach of a requirement to desist in a particular activity is a criminal offence which can result in a fixed penalty notice or a fine of up to £1,000 on conviction by a magistrate's court. Enforcement can be undertaken by Council officers, and other groups the Council may designate, but principally Police officers and Police Community Support Officers (PCSOs). The Police will additionally have the power of detention. Any enforcement action undertaken by the Council and/or the Police, will fall within the duties of the ASB and Enforcement Service and Police duties and therefore staff costs will be met from existing budgets.
- 7.4 The PSPO's have been implemented in other parts of the borough and have proven to be very successful. Enforcement action and fixed penalty notices have been taken against individuals that have breached the PSPO. This has seen a significant improvement in the quality of lives of people living and working in the locality.
- 7.5 By effectively using the powers available under the Anti-social Behaviour, Crime and Policing Act 2014 alongside enforcement from partners, it is envisaged that a long-term enforcement approach will tackle the historical issues that have been ongoing at this location.

## **8 Proposal for matters to be contained in the PSPO**

- 8.1 It is proposed to consult on the introduction of a PSPO which will cover:
- Gating an area that is blighted with, illegitimate vehicle use, fly tipping, drug dealing, drug taking, street drinking, discarded beer cans, drugs paraphernalia, urine, and faeces.
- 8.2 The proposal is for two (2) gates, as outlined in the draft PSPO at Appendix 1. The purpose of the two gates is to allow access to capable guardians on a daily basis and during events to create a sterile area or control the flow of public. Recommendation of gates as stipulated in the EVA are as follows: The costs of manufacture and installation of the gate currently estimated at £26k, will be funded by the Metropolitan Police
1. An angled return fence is required to remove blind spots when public pass the corner from Lidl reducing fear of crime.
  2. Sufficient space has been allowed for 2-3 people to pass on the pavement. It is not illustrated but the proposed new pavement width here matches the pavement width beyond the Finsbury gate towards the Manor Park entrance.
  3. Gate 2 will return back towards the tree or fully back towards the fence where it can be locked in the open position when required.
  4. Final return to the park perimeter prevents intrusion from the rear.
  5. Fence line goes behind BT phone box to ensure that the facility can still be used by the public.
  6. Gate 1 is a vehicle gate for Lidl deliveries however general vehicle access is not required.
  7. If required Gate 1, will return back towards the wall, where it can be locked in the open position if required.
  8. This strategy will only work if the railing and gates are visually permeable to allow natural surveillance into that space at all times.
- 8.3 The land in relation to which this Order applies is that land in the area of the London Borough of Haringey, namely that which is delineated and shown in map at Appendix 1 and forming part of the Order.
- 8.4 A breach of the prohibition can result in a maximum penalty not exceeding level 3 on the standard scale (currently £1000).
- 8.5 Monitoring and enforcement of the PSPO would be met from within existing ASB Enforcement and police resources, any income arising would be used to support enforcement activity.
- 8.6 This Order will come into force on **XXX 2023** (date to be confirmed) and shall remain in place for 3 years, until **XXX 2026** (date to be confirmed).
- 8.7 At any point before the expiry of this 3 years period the Council can extend the order by up to three years if they are satisfied on reasonable grounds that this is

necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

- 8.8 Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are in the locality or providing services within the locality are directly affected by the restrictions and have the power to challenge. The right to challenge also exists where the Council varies an Order.

## **9 Consultation process**

- 9.1 The Council's ASB Enforcement Team will carry out extensive consultation, namely:

- Consultation will run for a minimum period of six weeks.
- An online public consultation survey will be made available the council website.
- The ASB Enforcement Team will design a consultation letter outlining the reasons for the PSPO and its proposed prohibitions.
- The letter will direct residents/business owner/workers/shoppers to the online survey and the ASB Enforcement mailbox.
- Presentation and engagement with Friends of the park and other user groups and panels linked to the park.
- ASB Enforcement will erect notices about the consultation in and around the park.
- ASB Enforcement will add details about the PSPO to the Love Finsbury Park web site.
- ASB Enforcement will supply the letter to local businesses for their information and to display for customers.
- ASB Enforcement will attend the appropriate Safer Neighbourhood (MPS) Panel.

- 9.2. The costs of the consultation itself will be minimal: web design for online questionnaire, printing of letters, officers time attending meetings and other public engagement. These will be met by the ASB Enforcement Team through existing resources and support of partners.

## **10 Contribution to strategic outcomes**

### **10.1 Corporate Delivery Plan 2023/2024**

Our vision for all residents and businesses in Haringey is summarised in Priority 3 of the Borough Plan 2019 - 2023:

**Priority 3 - Our vision is for a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.**

*We will work with communities to improve the environment, particularly by reducing anti-social behaviour, making members of the community feel safer in the area where they live or work.*

*We will work with partners to prevent and reduce more serious crime, by joining up our enforcement teams to monitor and enforce serious incidents of anti-social behaviour.*

*We will help identify and tackle issues more effectively, making members of the community feel safer in the area where they live or work. Preventing and acting against those, perpetrating ASB increases resident confidence and promotes their health and wellbeing, making them feel safer in their homes.*

**The Haringey Labour Manifesto puts our residents at the heart of what we do, with a priority to protect our residents,**

*It is important that we all feel safe on the streets of Haringey and in our homes. That is the minimum requirement for a good society.*

*Living and working in areas where anti-social behaviour is rife can have a devastating effect on communities and individual lives. Every Haringey resident has the right to enjoy their local area in comfort and safety.*

## **11 Statutory Officers comments (Director of Finance including procurement, Head of Legal and Governance, Equalities)**

### **11.1 Finance (including Procurement)**

The report requests Cabinet to approve the recommendation to consult on a Public Space Protection Order. The cost of the consultation is £1000 and will be accommodated within existing revenue budgets.

Should the consultation agree to the proposed Public Space Protection Order, the gates will be constructed to Secure by Design and accredited to LPS1175SR2 standard. The costs of manufacture and installation of the gate currently estimated at £26k, will be funded by the Metropolitan Police budget.

## **12 Legal & Governance**

### **12.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.**



Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) enables the Council to make a Public Spaces Protection Order (PSPO) if satisfied on reasonable grounds that:

- Activities carried on in a public place within the Borough either have had or it is likely that they will have, a detrimental effect on the quality of life of those in the locality.
- It is likely that the detrimental effect will be persistent, and such as to make the activities unreasonable;
- The effect or likely effect is such as to justify the restrictions imposed by the proposed PSPO.

12.2 Before making a PSPO that restricts a public right of way, section 64 (1) of the Act requires the Council to consider (i) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway (ii) where the highway constitutes a through route, the likely effect of making the order on other persons in the locality (iii) the availability of a reasonably convenient alternative route.

12.3 The PSPO may authorise the installation, operation and maintenance of barriers for enforcing the restriction on the public right of way, but the highway does not legally cease to be regarded as highway by reason of the restriction and barriers.

12.4 The Council must comply with the consultation requirements in section 64(2) of the Act by (i) notifying potentially affected persons of the proposed order, informing those persons how they can see a copy of the proposed order, notifying those persons of the period within which they can make representations and considering any representations made. In addition, in accordance with section 72(3) of the Act, the Police and whatever community representatives the authority thinks it appropriate, must be consulted.

12.5 Regarding consultation itself, in accordance with the so called “Sedley Principles” it has to be at a time when proposals are still at a formative stage. The Council has to give sufficient reasons for any proposal to permit an intelligent consideration and response, adequate time has to be given for consideration and response, and finally, the product of consultation has to be conscientiously taken into account in the light of administrative law principles and the relevant statutory powers.

12.6 The proposed consultation complies with the Act and the above principles and following the consultation, a further report will be required with the outcome and final recommendations.

## **13 Equality**

13.1 The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to: • Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act • Advance equality of opportunity between people who share protected characteristics and people who do not • Foster good relations between people who share those characteristics

and people who do not The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

- 13.4 We will undertake letter drops and exercises to all affected residents and business in the locality.
- 13.5 The introduction of a PSPO in the locality of Finsbury Park has the potential to have a positive impact on the Council's duty under the Equality Act 2010, to foster good relations between communities. It will tackle antisocial behaviour which has the potential to create tensions between different communities.
- 13.6 The PSPO will apply to all individuals committing antisocial behaviour within the designated area, without discrimination. The Consultation process will seek to gather the views of all local communities and ensure that the characteristics of respondents are recorded. Equalities analysis of the consultation response and results, and an outline of any proposed mitigating actions, will then be recorded in an Equalities Impact Assessment which will be carried out once the consultation is complete.
- 13.7 The Equality Impact Assessment (EqIA) Screening tool has been completed and a full EqIA, is not required at this time as
- The proposal is likely to have no/minimal impact on groups that share the protected characteristics or other disadvantaged groups
  - The only group identified that may be affected is young males aged 16 and above who currently use the area for illegitimate use including committing ASB and drug dealing. The ASB team will liaise with youth services to inform them of the proposals and ensure that this group affected will be included in the consultation. Any cases of young males using the area illegitimately during the period of the consultation will be assessed and referred to an appropriate service if necessary.
  - This proposal is for approval to consult on a proposed PSPO. Should the consultation give rise to any issues of inequality not yet identified then a full EQIA can be completed in advance of seeking approval for the actual PSPO to enable the installation of the gate.
  - The gating of the alley way is likely to have a positive impact on residents living in the locality and staff working in and around the location; in making the area cleaner and safer.

A copy of the completed screening tool is attached at appendix 4

## **14 Use of Appendices**

- Appendix 1 – Draft PSPO
- Appendix 2 – MPS EVA report
- Appendix 3 – Equality Impact Assessment Screening Tool

## **15 Local Government (Access to Information) Act 1985**

Not applicable.